

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cary B. Crowell,

Civil No. 08-6355 (DWF/JSM)

Petitioner,

v.

ORDER

Joan Fabian,

Respondent.

Cary B. Crowell, *Pro Se*, Petitioner.

Mark Nathan Lystig, Assistant Ramsey County Attorney, Ramsey County Attorney's Office, counsel for Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated October 16, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**; and

2. This action is **DISMISSED WITH PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 12, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge